

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

vs.

BONNIE GARDNER,

Defendant.

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Criminal No. 09-00180-002

O R D E R

AND NOW, this 10th day of May 2013, defendant Bonnie Gardner having entered a plea of guilty to Count 1 of the Superseding Indictment filed at Criminal No. 09-180, and in accordance with the Sentencing Reform Act of 1984, 18 U.S.C. §3551, et seq. (1987) and the Sentencing Guidelines of the United States Sentencing Commission promulgated under that Act and the Sentencing Commission Act, 28 U.S.C. §991, et seq. (1987),

IT IS HEREBY ORDERED that:

1. Not later than **August 9, 2013**, the United States Probation Office shall disclose the tentative Presentence Investigation Report to only the defendant, the defendant's attorney and the attorney for the government. If a party disputes facts or factors material to sentencing contained in the Presentence Report, or seeks the inclusion of additional facts or factors material to sentencing, that party shall have the obligation to pursue the administrative resolution of that matter through informal presentence conferences with opposing counsel and the United States Probation Office. The party seeking administrative resolution of such facts and factors shall do so within two weeks (fourteen (14) days) after the initial disclosure of the tentative Presentence

Report. No later than two weeks (fourteen (14) days) after the initial disclosure of the tentative Presentence Report, following any good faith efforts to resolve disputed, or include additional, material facts or factors described above, the United States Probation Office shall notify the attorneys for the government and the defendant of the matters that have, or have not, been administratively resolved. The Court expects counsel to fully comply with these procedures.

2. No later than **August 30, 2013**, pursuant to Fed. R. Crim. P. 32(g), the United States Probation Office shall disclose the Presentence Report to this Court, to the defendant, and to counsel for the defendant and for the government.

3. No later than **September 6, 2013**, the parties shall each file with the Court a pleading entitled "Position of [Defendant or Government as appropriate] With Respect to Sentencing Factors," pursuant to Fed. R. Crim. P. 32(g), §6A1.2(b) of the U.S.S.G., and LCrR 32(c)(4).

4. A party may file a response to the opposing party's Position With Respect to Sentencing Factors by no later than **September 13, 2013**.

5. No later than **September 20, 2013**, the United States Probation Office shall serve this Court and counsel for the defendant and for the government the Presentence Report, together with an addendum setting forth any unresolved objections of counsel to the Presentence Report, together with the Probation Officer's comments thereon. The United States Probation Office shall certify that the Presentence Report, together with any revision thereof and any addendum thereto, have been disclosed to the defendant and to all counsel of

record, and that the addendum fairly sets forth any remaining objections and responses.

6. This Court will issue to counsel for the defendant and for the government and to the Probation Office its tentative findings and rulings concerning disputed facts or factors on **September 27, 2013**.

7. This Court will strictly enforce Local Rule 32.1(c)(2) with respect to disclosure of any Presentence Report information.

8. No later than **October 4, 2013**, a party may file supplemental information or a memorandum with respect to sentencing of the defendant, and shall serve the same upon the United States Probation Office. If counsel for the defendant intends to submit letters to the Court for consideration at sentencing, said letters should be electronically filed by no later than **October 4, 2013**. Any letters which counsel deem as containing confidential material necessitating sealing by the Court require counsel to abide by Paragraph 8 of this Court's Electronic Case Filing Policies and Procedures ("Sealed Documents") as well as this Court's policy governing all sealed matters (Misc. No. 05-45 (See Exhibit B)). Opposing counsel may file a response to any supplemental information or memorandum no later than **October 11, 2013**.

9. In advance of Sentencing, the Court will initiate a Telephonic Sentencing Conference with counsel and the Probation Officer on **Tuesday, October 15, 2013 4:30 p.m.** Counsel should be prepared to outline the parameters of the evidence, if any, to be presented as well as any legal arguments.

10. Any changes in the position of either the defendant or the government must be brought to the Court's attention by **12:00 p.m. on October 16, 2013**.

11. Sentencing of defendant Bonnie Gardner will take place on  
Friday, October 18, 2013 at 9:00 a.m.

s/Nora Barry Fischer  
United States District Judge

cc/ecf: Brendan T. Conway, Asst. U.S. Atty.

Martin A. Dietz, Esquire

Bonnie Gardner (USM No. 33388-068) c/o Martin A. Dietz, Esquire

Probation Office

Pretrial Services

U.S. Marshal